

MAY 02 2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

JERITH T. SCOTT,  
Plaintiff,

v.

WARDEN DAVID BRAXTON,  
et al.,  
Defendants.

Civil Action No. 7:05cv00310

ORDER

By: Hon. Glen E. Conrad  
United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is now

**ORDERED**

as follows:

1. The Magistrate Judge's Report and Recommendation is adopted in whole.
2. Defendants' objections to the Report and Recommendation are overruled.
3. Final judgment shall be and hereby is entered in favor of the defendants as to the plaintiff's excessive force claim against S. Day, M. Thacker, R. Phipps, L. Fleming, G. Kendrick, R. Boyd, and B. Berg.
4. Final judgment shall be and hereby is entered in favor of the defendants as to the plaintiff's failure to protect claims against K. McCoy, D. Fleming, S. Fleming, R. Boyd, B. Berg, and J. Mullins.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the plaintiff and to counsel for the defendants.

ENTER: This 2d day of May, 2007.

*[Signature]*

United States District Judge